

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

MOHAMMAD ABDUS SAMAD

VS.

ALBERTO GONZALES

**: DOCKET NO. 2:06-cv-626
Section P**

: JUDGE MINALDI

: MAGISTRATE JUDGE WILSON

REPORT AND RECOMMENDATION

Before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Mohammad Abdus Samad, pursuant to 28 U.S.C. §2241. By this petition, petitioner seeks review of his custody status. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

In his petition, the petitioner states that he is subject to a removal order which became final on September 22, 2005. He claims that he has been in post-removal-order detention since that time and that his removal is not likely to occur in the reasonably foreseeable future.

In light of the facts presented by Petitioner, the court ordered the government to respond to the petition. In its response to the court's order, the government moves to dismiss the petition as moot. In support of this position, the government presents documentation which establishes that the petitioner was released from post-removal-order detention to an Order of Supervision on May 18, 2006. *See* Government Exhibit A.

At the time that this petition was filed, Petitioner was in post-removal-order custody pursuant to the statutory authority of the INA, and he sought to have the court review his post removal order

detention. However, as Petitioner was released from custody on May 18, 2006, the court finds that his challenge to his detention is now moot and should be dismissed.

Accordingly,

IT IS RECOMMENDED that the petition be DENIED and DISMISSED as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 9th day of June, 2006.



ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE